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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,607	01/17/2002	Kemma S. Dodds		1132

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EXAMINER	
GRANT, ALVIN J	

ART UNIT	PAPER NUMBER
3723	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/051,607	<b>Applicant(s)</b> DODDS, KEMMA S.	
	<b>Examiner</b> Alvin J Grant	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-22 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informality:

In the last line change "and attachment" to read, "an attachment".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-9, 11 and 13-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis '752.

Davis discloses a turbine rotor comprising: a rotor body having an inlet attachable to a high pressure air source, including: a first annular chamber, a second annular chamber, and a common inner wall, wherein the first annular chamber and the second annular chamber are separated by the common inner wall, the rotor body being cylindrical and including a plurality of tangential peripheral nozzles in fluid communication with the housing first chamber and the housing second chamber for expelling high pressure air to rotate the rotor body, the inner wall including a central bore for receiving an attachment to a drive shaft; an RPM governor in the first chamber and the second chamber; the governor includes a front wall, at least one spiraling wall barrier extending from the outer portion of each annular chamber through a valve o-ring of the rotor body,

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two valve o-rings (60A and 60B) within each annular chamber, an annular perforated barrier within each annular chamber extending outward from the valve o-ring, and a back wall; each perforated barrier is integral with the rotor body of the rotor; the front wall and the front interior surface of the inner wall are grooved for fitting a first perforated barrier, and the back interior surface of the inner wall are grooved for fitting a second perforated barrier; the o-ring is resilient rubber; the common wall comprises: one or more additional annular chambers and the two arcuate chambers which terminate openings in the circumference of the rotor body, and an additional annular perforated barrier is located within each additional annular chamber located radially outward from an additional valve o-ring (column 2, line 29-column 5, line 39), and at least one additional valve o-ring is located radially inward from the additional annular perforated barrier; the inner wall comprises a narrow waist; the front wall and the back wall are releasably attached to the inner wall; and a hand-held tool (Fig. 1 and column 1, lines 65-68) comprising: a high torque turbine rotor body located circumferentially around the primary shaft, wherein the turbine rotor body includes: a front wall adapted for fitting with the inner wall, including: a central bore; an inner wall adapted for fitting with the front wall, including: at least two annular chambers, at least one arcuate chamber radiating from the outer portion of each annular chamber through a valve o-ring in the rotor body, a valve o-ring within each annular chamber, an annular perforated barrier within each chamber located radially outward from the valve o-ring, and a central bore, and a back wall adapted for fitting with the inner wall; including a central bore.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Hanaway '107.

Davis is described above. Davis neither discloses an assembly made of plastic nor the walls being attached by frictional contact. Hanaway disclose turbine equipment wherein the enclosure is made of plastic because of its insulating properties, and the chambers are held together by frictional contact for ease of disassembling. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the apparatus of Davis out of plastic and secure the chambers by frictional contact as taught by Hanaway, so as to respectively facilitate the insulation thereof and to provide for ease of dismantling.

***Allowable Subject Matter***

**Claim 5** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ajg



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6/27/14